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*Attorneys for Defendants*

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

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MECHELLE BOMAN,

Plaintiff,

v.

SHERWOOD RECOVERY RESORT, LLC; A UTAH LIMITED LIABILITY COMPANY, and dba SHERWOOD HILLS RECOVERY RESORT; and RICHARD MICHAEL KNAPP, Individually and dba SHERWOOD HILLS RECOVERY RESORT

Defendants.

**ANSWER**

**Case No. 2:17-cv-00180**

**Judge Paul Warner**

In response to Plaintiff Mechelle Boman's ("Plaintiff") Complaint, defendants Sherwood Recovery Resort, LLC, dba Sherwood Hills Recovery Resort, and Richard Knapp (altogether "Defendants") through counsel of record, hereby answer by admitting, denying and affirmatively averring as follows:

**ANSWER**

**FIRST DEFENSE**

The Complaint fails to state a claim upon which relief can be granted against Defendants.

**SECOND DEFENSE**

In response to the specific allegations of the Complaint, Defendants:

1. Are without knowledge or information sufficient to form a belief about the truth of the statement in paragraph 1.
2. Are without knowledge or information sufficient to form a belief about the truth of the statement in paragraph 2.
3. Are without knowledge or information sufficient to form a belief about the truth of the statement in paragraph 3.
4. Are without knowledge or information sufficient to form a belief about the truth of the statement in paragraph 4.
5. Deny paragraph 5.
6. Admit the Complaint speaks for itself, but deny the remaining allegations of paragraph 6.
7. Admit paragraph 7.
8. Admit paragraph 8.
9. Deny paragraph 9.
10. Admit the Complaint speaks for itself, but deny the remaining allegations of paragraph 10.
11. Admit paragraph 11.
12. Admit paragraph 12.

13. Admit paragraph 13.
14. Are without knowledge or information sufficient to form a belief about the truth of the statement in paragraph 14.
15. Are without knowledge or information sufficient to form a belief about the truth of the statement in paragraph 15.
16. Are without knowledge or information sufficient to form a belief about the truth of the statement in paragraph 16.
17. Are without knowledge or information sufficient to form a belief about the truth of the statement in paragraph 17.
18. Admit paragraph 18.
19. Admit paragraph 19.
20. Deny paragraph 20.
21. Admit paragraph 21.
22. Admit paragraph 22.
23. Deny paragraph 23.
24. Deny paragraph 24.
25. Deny paragraph 25.
26. Deny paragraph 26.
27. Deny paragraph 27.
28. Are without knowledge or information sufficient to form a belief about the truth of the statement in paragraph 28.
29. Deny paragraph 29.
30. Deny paragraph 30.

31. Deny paragraph 31.
32. Are without knowledge or information sufficient to form a belief about the truth of the statement in paragraph 32.
33. Deny paragraph 33.
34. Deny paragraph 34.
35. Deny paragraph 35.
36. Deny paragraph 36.
37. Deny paragraph 37.
38. Deny paragraph 38.
39. Deny paragraph 39.
40. Are without knowledge or information sufficient to form a belief about the truth of the statement in paragraph 40.
41. Deny paragraph 41.
42. Deny paragraph 42.
43. Deny paragraph 43.
44. Deny paragraph 44.
45. Deny paragraph 45.
46. Deny paragraph 46.
47. Deny paragraph 47.
48. Deny paragraph 48.
49. Deny paragraph 49.
50. Deny paragraph 50.
51. Deny paragraph 51.

52. Deny paragraph 52.
53. Deny paragraph 53.
54. Deny paragraph 54.
55. Deny paragraph 55.
56. Deny paragraph 56.
57. Deny paragraph 57.
58. Deny paragraph 58.
59. Deny paragraph 59.
60. Deny paragraph 60.
61. Deny paragraph 61.
62. Deny paragraph 62.
63. Deny paragraph 63.
64. Deny paragraph 64.
65. Deny paragraph 65.
66. Deny paragraph 66.
67. Deny paragraph 67.
68. Deny paragraph 68.
69. Deny paragraph 69.
70. Deny paragraph 70.
71. Deny paragraph 71.
72. Deny paragraph 72.
73. Deny paragraph 73.
74. Deny paragraph 74.

75. Deny paragraph 75.
76. Deny paragraph 76.
77. Deny paragraph 77.
78. Deny paragraph 78.
79. Deny paragraph 79.
80. Deny paragraph 80.
81. Deny paragraph 81.
82. Deny paragraph 82.
83. Deny paragraph 83.
84. Deny paragraph 84.
85. Deny paragraph 85.
86. Deny paragraph 86.
87. Deny paragraph 87.
88. Deny paragraph 88.
89. Deny paragraph 89.
90. Deny paragraph 90.
91. Deny paragraph 91.
92. Deny paragraph 92.
93. Deny paragraph 93.
94. Deny paragraph 94.
95. Incorporate the answers to the preceding paragraphs.
96. Deny paragraph 96.

97. Deny paragraph 97.
98. Deny paragraph 98.
99. Deny paragraph 99.
100. Deny paragraph 100.
101. Deny paragraph 101.
102. Incorporate the answers to the preceding paragraphs.
103. Deny paragraph 103.
104. Deny paragraph 104.
105. Deny paragraph 105.
106. Deny paragraph 106.
107. Incorporate the answers to the preceding paragraphs.
108. Deny paragraph 108.
109. Deny paragraph 109.
110. Incorporate the answers to the preceding paragraphs.
111. Deny paragraph 111.
112. Deny paragraph 112.
113. Deny paragraph 113.
114. Deny paragraph 114.
115. Incorporate the answers to the preceding paragraphs.
116. Deny paragraph 116.
117. Deny paragraph 117.
118. Deny paragraph 118.
119. Deny paragraph 119.

120. Deny paragraph 120.
121. Deny paragraph 121.
122. Incorporate the answers to the preceding paragraphs.
123. Deny paragraph 123.
124. Deny paragraph 124.
125. Deny paragraph 125.
126. Incorporate the answers to the preceding paragraphs.
127. Deny paragraph 126.
128. Deny paragraph 128.
129. Deny paragraph 129.
130. Deny paragraph 130.
131. Deny paragraph 131.
132. Deny paragraph 132.
133. Incorporate the answers to the preceding paragraphs.
134. Deny paragraph 134.
135. Deny paragraph 135.
136. Deny paragraph 136.
137. Deny paragraph 137.
138. Deny paragraph 138.
139. Deny paragraph 139.

**THIRD AFFIRMATIVE DEFENSE**

That the action and/or inaction of Plaintiff or other parties and/or other non-parties was the sole or proximate cause of the damages alleged by Plaintiff in the Complaint.

**FOURTH AFFIRMATIVE DEFENSE**

Plaintiff has waived, or is estopped by her own actions upon which Defendants reasonably relied from asserting all or part of the claims set forth in its Complaint.

**FIFTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred because Defendants did not violate any of Plaintiff's constitutional, statutory, or common law rights or privileges.

**SIXTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred because she failed to exhaust her administrative remedies and/or failed to comply with the relevant statutes of limitation.

**SEVENTH AFFIRMATIVE DEFENSE**

Plaintiff failed to mitigate or otherwise act to lessen or reduce the damages alleged in the Complaint.

**EIGHTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred because Defendants did not engage in discriminatory or tortious conduct.

**RESERVATION OF AFFIRMATIVE DEFENSES**

Defendants specifically reserve the right to assert any additional defenses.

**PRAYER FOR RELIEF**

WHEREFORE, Defendants demand relief on the Complaint as follows:

- A. For an order dismissing each and every claim for relief in the Complaint against Defendants with prejudice and on the merits;
- B. For Defendants' attorneys' fees and costs to the extent permitted by law; and
- C. For such further relief as the Court may deem appropriate.

DATED this 8<sup>th</sup> day of May, 2017.

KIRTON MC CONKIE

/s/ Analise Quinn Wilson  
Benson L. Hathaway, Jr.  
Analise Quinn Wilson  
*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 8<sup>th</sup> day of May, 2017, a true and correct copy of the foregoing **ANSWER** was served on the following by the method(s) indicated below:

Mark D. Stubbs	<input type="checkbox"/> U.S. Mail, Postage Prepaid
Jared B. Stubbs	<input type="checkbox"/> Hand Delivered
FILLMORE SPENCER LLC	<input type="checkbox"/> Overnight Mail
3301 N. University Avenue	<input type="checkbox"/> Via email
Provo, Utah 84604	<a href="mailto:mstubbs@fslaw.com"><u>mstubbs@fslaw.com</u></a>
	<a href="mailto:jstubbs@fslaw.com"><u>jstubbs@fslaw.com</u></a>
<i>Attorneys for Plaintiff</i>	<input checked="" type="checkbox"/> CM/ECF

/s/ Emily L. Rutter

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